

REMARKS

Applicants have studied the Office Action mailed November 1, 2004. It is respectfully submitted that the application is in condition for allowance. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

Priority:

The Examiner states that an application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet.

Applicants respectfully assert that the present application does comply with the requirements for obtaining benefits of earlier filed applications by virtue of having referenced the applications for which benefit is sought in the application data sheet (which was filed on October 9, 2004 with the original filing of the present application). Moreover, this benefit claim was acknowledged on the filing receipt.

Double Patenting:

The Examiner rejected claims 24-37 under the judicially created doctrine of double patenting over claims 1-9 of U.S. Patent No. 6,489,153, issued 12/03/2002, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Applicants hereby submit a terminal disclaimer (along with the terminal disclaimer fee), thereby obviating this double patenting rejection.

Conclusions

Claims 24-37 remain pending.

A terminal disclaimer is submitted herewith to obviate the double patenting rejection.

In view of the above remarks, and the terminal disclaimer submitted herewith, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the rejections. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

CELERA GENOMICS

Date: February 1, 2005

By: 

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Attachment:

- Terminal Disclaimer with fee